

REMARKS

Claims presented for prosecution in this application are claims 1, 4-11, 16 and 17. Claims 1-2, 9-12 and 16 have been rejected over cited prior art. Claims 3-8 and 13 have been indicated as containing allowable subject matter. Claim 17 has been newly added. In view of Applicant's remarks below, Applicant respectfully submits that claims 1, 4-11, 16 and 17 are in condition for allowance. Accordingly, Applicant respectfully requests that the present Preliminary Amendment be considered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

The 35 USC 102(b) Rejection of Claims 1-2 and 9-11 over Tuma

The Examiner has rejected claims 1-2 and 9-11 and 16 as being anticipated by Tuma ('796). Applicant respectfully asserts that Tuma does not disclose, at least, each and every aspect of newly amended independent claims 1 and 10.

Applicant respectfully continues to assert that Tuma does not disclose or suggest, at least, an access port disposed in the slide and through which the sear is accessible, as recited in both independent claims 1 and 10.

With respect to the Examiner's apparent interpretation that Tuma's frame opening for accommodating the hammer (4) reads upon Applicant's 'access port', for the purposes of anticipating the above-referenced portion of claims 1 and 10, Applicant respectfully traverses this interpretation of Tuma, insofar as Tuma is silent as to any opening in Tuma's slide which may be in communication with the sear mechanism of Tuma's handgun. Applicant further asserts that the Examiner's sole reliance on the drawing figures of Tuma fail to clearly show the relationship recited in independent claims 1 and 10. That is, none of Tuma's drawing figures illustrate an opening in Tuma's slide (1) which would permit access to Tuma's sear (3).

Without, therefore, conceding to the Examiner's interpretation of Tuma in this regard, Applicant has amended claims 1 and 10 merely to advance prosecution. In

particular, Applicant has amended independent claim 1 to include the subject matter of objected to dependent claim 3, as well as the subject matter of intervening dependent claim 2, in accordance with the Examiner's indication of allowable subject matter.

Similarly, Applicant has amended independent claim 10 to include the subject matter of objected to dependent claim 13, as well as the subject matter of intervening dependent claim 12, in accordance with the Examiner's indication of allowable subject matter. Applicant notes that the subject matter of dependent claim 11 has not been added to independent claim 10 as such subject matter is believed not to bear upon the indicated allowable subject matter of dependent claim 13, as indicated by the Examiner.

With particular respect to the Examiner's rejection of claim 16, Applicant has amended claim 16 to clarify that Applicant's "second opening" through which the sear is accessed is not the opening in Tuma's slide (as asserted by the Examiner) through which Tuma's hammer may communicate with Tuma's firing pin assembly. That is, Applicant has amended claim 16 to specifically recite a first and a second opening in Applicant's slide, wherein the first opening is that opening that may be present in the slide to permit pivotable movement of the hammer, and a second opening that permits access to Applicant's sear.

Applicant therefore respectfully asserts that the Examiner's interpretation of Tuma's asserted hammer-opening in the slide can no longer support a reading upon Applicant's 'second opening', recited in claim 16.

Applicant earnestly believes that newly amended independent claims 1, 10 and 16, at least, now clearly defines over Tuma, as well as the other cited art of record. Should, however, the Examiner believe that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative for a telephonic interview, Examiner's amendment, or the like.

The 35 USC 103(a) Rejection of Claim 12 over Toma in view of Thomas

Claim 12 has been canceled and its subject matter added to independent claim 10, in accordance with the Examiner's indication of allowable subject matter being contained in dependent claim 13.

The 35 USC 102(b) Rejection of Claims 1-2 and 9-11 over Vitorino

The Examiner has rejected claims 1-2 and 9-11 and 16 as being anticipated by Vitorino. Applicant respectfully asserts that Vitorino does not disclose, at least, each and every aspect of newly amended independent claims 1 and 10.

Without conceding to the Examiner's interpretation of Vitorino in this regard, Applicant has amended claims 1 and 10 merely to advance prosecution. In particular, Applicant has amended independent claim 1 to include the subject matter of objected to dependent claim 3, as well as the subject matter of intervening dependent claim 2, in accordance with the Examiner's indication of allowable subject matter.

Similarly, Applicant has amended independent claim 10 to include the subject matter of objected to dependent claim 13, as well as the subject matter of intervening dependent claim 12, in accordance with the Examiner's indication of allowable subject matter. Applicant notes that the subject matter of dependent claim 11 has not been added to independent claim 10 as such subject matter is believed not to bear upon the indicated allowable subject matter of dependent claim 13, as indicated by the Examiner.

With particular respect to the Examiner's rejection of claim 16, Applicant has amended claim 16 to clarify that Applicant's "second opening" through which the sear is accessed is not the opening in Vitorino's slide (as asserted by the Examiner) through which Vitorino's hammer may communicate with Vitorino's firing pin assembly. That is, Applicant has amended claim 16 to specifically recite a first and a second opening in Applicant's slide, wherein the first opening is that opening that may be present in the

slide to permit pivotable movement of the hammer, and a second opening that permits access to Applicant's sear.

Applicant therefore respectfully asserts that the Examiner's interpretation of Vitorino's asserted hammer-opening in the slide can no longer support a reading upon Applicant's 'second opening', recited in claim 16.

Applicant earnestly believes that newly amended independent claims 1, 10 and 16, at least, now clearly defines over Vitorino, as well as the other cited art of record. Should, however, the Examiner believe that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative for a telephonic interview, Examiner's amendment, or the like.

New Claim 17

Applicant has newly proposed claim 17 to further define Applicant's invention, and assert that none of the cited prior art anticipates, or renders obvious, the recited elements of claim 17 in total.

In particular, Applicant asserts that claim 17 now specifically recites that Applicant's 'access port' is formed in Applicant's slide *"between said ejection port and said rear sight"*, thereby clarifying that Applicant's access port cannot read upon the Examiner's asserted hammer-opening in either Tuma's or Vitorino's slide element.

Indication of the allowability of independent claim 17 is therefore earnestly solicited.

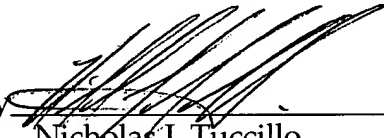
CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1, 4-11, 16 and 17 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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